

I. Call Meeting to Order

The Common Council of the City of Greenwood, Johnson County, Indiana met in its regular session on Monday, April 3, 2017 at 7:00 p.m. in the regular place, the Council Chambers of the Greenwood Municipal Building, 300 South Madison Avenue, Greenwood, Indiana. The Council President, Mike Campbell, presided and Administrative Assistant to the Clerk, Becky Thompson, was present to memorialize the proceedings.

Ms. Joanna Morse, Spiritual/Bereavement/Volunteer Coordinator for Americare Hospice, led in prayer.

Present on the roll call were Council Members: Bruce Armstrong ("Mr. Armstrong"); Ron Bates ("Mr. Bates"); Mike Campbell ("Mr. Campbell"); Brent Corey ("Mr. Corey"); Linda Gibson ("Ms. Gibson"); Ezra Hill ("Mr. Hill"); David Hopper ("Mr. Hopper"); Chuck Landon ("Mr. Landon") and David Lekse ("Mr. Lekse"). A quorum was obtained.

Additional Officials Present: Mark Myers ("Mayor Myers"), City of Greenwood Mayor; Krista Taggart ("Ms. Taggart"), Corporation Counsel; Terry McLaughlin ("Mr. McLaughlin"), Greenwood Deputy Mayor; John Laut ("Chief Laut"), Greenwood Police Chief; Bill Peebles ("Mr. Peebles"), Planning Director; Kevin Steinmetz ("Mr. Steinmetz"), Project Manager; Todd Petty ("Mr. Petty"), Fleet Maintenance; Jody Long ("Ms. Long"), Greenwood Controller; and Rob Taggart ("Mr. Taggart"), Director of Greenwood Parks and Recreation.

II. Approval of [Minutes from the Regular Meeting on March 20, 2017](#)

Motion to approve the minutes made by Mr. Bates. Seconded by Mr. Corey.

Motion made by Mr. Lekse to amend Wendy Pottgen's description of her residence on page 8 to retract of *Greenwood* from her statement, as it is a common error but not an accurate representation of her address within the city limits of Greenwood. Seconded by Mr. Landon. **Voice Vote: Ayes. (9-0) Motion Carries.**

Motion made by Mr. Lekse, after discussion to call them what they are, to amend page 9 to edit the name Hammond to accurately reflect Mr. Fanter, change soccer complex to South Central Soccer Academy, change football complex to Center Grove Bantam Football Complex, and change the middle school in Greenwood to Center Grove High School. Seconded by Mr. Hopper. **Voice Vote: Ayes. (9-0) Motion Carries.**

Mr. Lekse stated he has not confirmed that any of the other proponents who spoke on behalf of the iceplex from the public reside in the city of Greenwood.

Motion to approve the minutes from the regular meeting on March 20, 2017 as amended moved by Mr. Bates. Seconded by Mr. Corey. **Vote: Ayes. (9-0) Motion Carries.**

III. Audience Requests

Chief Laut addressed council. He stated he was not present at the last council meeting when Resolution 17-04 was introduced but he did review and listen to the meeting and was present Saturday. Chief Laut said it seems repeatedly that the issues regarding the iceplex deal with traffic and noise. He said he did some checking into the matter. He called Chief Thompson of Fishers and asked him what it's like having an ice complex in the city. Chief Laut said was told they have no instances at the Fuel Tank that they have not had at any other sporting events in the city, occasionally here is a vehicle broken into, but he said the Halletts have been exceptional in working with the city and are good partners. Chief Laut also gathered information from Westfield, Indiana to the Artic Zone iceplex and the closest standard he could find, he went back into the neighborhoods and canvassed the area; he indicated it was not scientific by any means, if the garage door was up on the house he knocked on the door. Chief Laut said it was a random sampling, comments ranging from "Lived in the area for three years, use the iceplex to take children skating,

no issues.” “Third house built in the neighborhood never issues, but traffic noise etc.” “There are no issues takes his nephews there, no issues.” Chief Laut said he would guarantee that if he knocked on every door he would have somebody say they don’t like it; but these were the only four garage doors up at this time of day. Chief Laut said he also went to the Fuel Tank itself in Fishers; he said the manager was gracious enough to show him around and take him through the entire facility. Chief Laut shared images and audio of the backside of the Fuel Tank, pointing out the apartment complex that is built right up to the point. Chief Laut indicated he is outside his scope but the machinery to extract the heat from the water, they do not cool it, they extract the heat, is inside the building. He said the outside is the only piece of outside machinery. Chief Laut shared the audio of the noise that emits from the machinery. He said the closest neighborhood to the Fuel Tank is Markay Drive, he found one resident with his garage door open, from his front porch you can see the Fuel Tank, Chief Laut asked the gentleman what his thoughts were about it advised, there have been zero issues with the Fuel Tank concerning traffic and noise. He said he doesn’t really notice the facility, which you can see from his front porch; he added it is used often on the weekends but directly in front of it is a YMCA. The resident added even with the YMCA operations on the weekend and the Fuel Tank, there haven’t been traffic issues that he has noticed. Chief Laut said internally he went back to his crash records from 2013 up to date; at Averitt Road and Smith Valley, Averitt Road and Stop 18, Averitt Road and Worthsville, there has been no significant increase in crashed since 2015 when the Aquatic Center opened. Chief Laut shared he is not an expert on some of these things, he would rather deal with facts, look at these things himself instead of speculate on what-ifs. He shared he does not know what traffic is going to be but if it anything indicative of Freedom Springs he doesn’t think it will be a significant impact to that area to that. Chief Laut is available for any questions from council. Mr. Lekse shared the complex in Fishers is at the corner of 126th Street and St. Rd. 37 which is a huge road. Chief Laut corrected it is not at the corner... Mr. Lekse corrected not directly on the corner but a stone’s throw... many disagreed with Mr. Lekse’s description. Mr. Lekse said there is not any residential between that intersection... Chief Laut said there is residential directly to the west on Markay Drive. Mr. Lekse said he thought the Fuel Tank set on the NE corner of that intersection. Chief Laut said it sits behind the YMCA... Mr. Lekse clarified NW corner. Chief Laut said Markay Drive runs directly next to the building, the YMCA and that is the closest neighborhood. Mr. Lekse said that is between the intersection... Chief Laut said no, it is to the west of the complex, that is when residential starts. Mr. Lekse said if you are approaching it from State Road 37 then you would not pass any residential. Chief Laut said no there is a roundabout at the YMCA. Mr. Lekse said he has not looked at the Westfield location and asked what the situation there is. Chief Laut said it is a field between that complex and the closest neighborhood he could find; it is in an industrial area. Mr. Lekse asked if you took a vehicle from Greenwood to that site in Westfield, between the nearest major intersection and that site, are there residential neighborhoods. Mr. Lekse asked if you would characterize the surroundings as a residential area. Chief Laut said there is the complex, a field and then the residential area. Mr. Campbell thanked Chief Laut.

Pat Hagan with Our Lady of Greenwood addressed council and indicated he will not rehash the meeting council had recently regarding the parking issue. He just wanted to make sure we are keeping it on the radar with the city council, knowing the church would like to work with the city hand in hand on this project. Mr. Hagan added while also keeping in mind the parking needs not only of the church but all of the events that go along in that area to include WAMM Fest, Freedom Fest, etc.. which uses a lot of parking in that area. Mr. Hagan said not everybody hashed the minutes of that meeting but he wanted to make sure council was clear that we want to have an ongoing conversation.

Mr. Campbell said at this time we have audience requests and those concerning the iceplex and abatement on the agenda tonight. He said before we let anyone speak he shared the time limit on these issues, since there are those here for and opposed, we will divide that in half and give those who are in favor ten and those opposed ten minutes. Mr. Campbell addressed those who wish to speak and reiterated the time limits. He also asked those who wishes to speak not repeat what the other person has said but would like to have them bring some new information to council. Mr. Campbell asked for those who wish to speak concerning the iceplex in opposition to it and each speaker will have two minutes.

James Workman addressed council; he said he lives in Brighton Estates, which is within the city limits. Mr. Workman shared in two minutes he will have a hard time getting through all the topics and shared a copy of the rest of the points he wrote up [attached]. Mr. Workman said he is not against hockey at all and loves to skate; what he is against is the approval of Resolution 17-04. He said this resolution is an attempt to give away parkland and turn it into a business for the Halletts. He said the city should not subsidize business by essentially giving away parkland to a for-profit business. He said the total lease for this 6.3 acres end up to a whopping \$720 over sixty years; that is a dollar a month for sixty years. Mr. Workman said that is giving away those 6.3 acres. He said the mayor's office referenced the 2015 park study saying the study does show that we have a shortage of a sheet of ice, they are right, it is on that park study, what they failed to tell you it is twenty second on the list of priorities; the number one list is park open space. Mr. Workman shared a pie chart of all the priorities listed you can see, park and open space, and he indicated the section indicating the need for ice; let's not take away the greenspace, let's use it as this study was which was to tell you guys what we need to build [inaudible]. Mr. Workman asked council to consider this, make sure you have all the information before you vote. He added the second topic he wishes to address is traffic, he is not going to go through a whole lot, we were told by the Mayor on Saturday that they have contacted an engineering firm to do a traffic study; contact can mean everything from signing a contract to making a phone call. He said he would encourage council to get the full study. Mr. Campbell indicated his time was up. Mr. Workman thanked council.

Patrick Chambers addressed council saying he is also within the city limits of Greenwood. Mr. Chambers thanked council for the opportunity to speak this evening. He said in the midst of the time constraints he would like to just jump right into his concern, he believes the proposal to provide a tax abatement for the iceplex is unlawful. Mr. Chambers said under Indiana Code 6-1.1-12.1-3 (e) includes a list of facilities that are not eligible for tax abatements in the state of Indiana and said number (5) *Skating facility (including roller skating, skateboarding, or ice-skating)*. He continued saying the list defines the types of facilities that can be considered an economic development target area as a means of obtaining a tax abatement (10) *Any facility the primary purpose of which is: (A) retail food and beverage service; (B) automobile sales or service; or (C) other retail*; Mr. Chamber said the iceplex is none of these. He said the proposal to designate area within Freedom Park as an economic development target area is an attempt to circumvent the statute prohibiting skating rinks from qualifying for a tax abatement. Mr. Chambers urged the duly elected representatives to represent the interests of your constituents, this proposal removes a public good that is greatly valued and appreciated within our community. He said a public good that is free to use and will be replaced by something that requires payment for both its citizens and none citizens. Mr. Chambers thanked council.

Martin Rosenberg addressed council voicing his opposition to the city of Greenwood Resolution No. 17-04. Mr. Rosenberg said he is a future resident of Greenwood moving into the [Chateaux at Woodfield subdivision within Greenwood city limits]. Mr. Rosenberg said his wife and he lived on the Southside of Indianapolis for nearly twenty-eight years, when they recently decided to leave their current home, they searched throughout the region for the best place to retire, spend time with family and friends and of course, lord willing, future grandchildren. Mr. Rosenberg said his adult children have left the Southside so they could have settled anywhere in the area; they chose to move to Greenwood and within the last month they have closed on their home and are in the process of building within District #6. Mr. Rosenberg said there are many considerations that led them to move out of Marion County and into Greenwood; however one of the main considerations was the beauty of Freedom Park and all of the amenities that it has to offer. He said the iceplex development is disappointing to say the least; having a three story building plopped right into the middle of a beautiful park, forcing many of the parks great features to move or be removed, lessens the draw of what makes the park so great. Mr. Rosenberg said while he sees the benefits of a facility such as this coming to a city, he is still scratching his head about the placement. He said he is sure you all have experienced the pleasure of Freedom Park. Mr. Rosenberg continued whenever, they visit their new home site, they always stop at the park to utilize the trail for exercise, our dogs as well; it is wonderful to see a number of people who are out there also using the trail, basketball

courts, tennis courts and all of the other amenities. He said most of all it is wonderful to still be able to go to a location, to see and take advantage of greenspace. Mr. Rosenberg said it is a shame that the mayor and the city cannot find another location to take advantage of this new relationship with the Indy Fuel. He said he too was going to speak about the validity of the abatement as the previous speaker just did. He said he opposes the building of this facility in Freedom Park for many reasons; the city of Greenwood has a great deal of momentum. He indicated the revitalization of downtown, the soon to be built shopping mall east of interstate 65, and many road improvement projects on the schedule as well. He said this project compliments those projects with their locations [inaudible] not Freedom Park. Mr. Rosenberg thanked council for their time.

Don Eades addressed council, sharing he has lived at his address, within the city, for forty-six years and he is opposed to the iceplex being located in Freedom Park. Mr. Eades does not think this is a good business decision to have paid between \$22-25 thousand an acre for ground and giving the iceplex people 6.5 acres for that cost them over \$150,000 and give it to them for a dollar a year. Mr. Eades thanked council.

Sanford Pederson lives within the city limits of Greenwood within Village Pines addressed council. Mr. Pederson shared he is less than a mile from Freedom Park. He said the only thing he will repeat that he has said to council before is that he is enthusiastically in favor of the iceplex in Greenwood and he would love to see it come here in the right place. Mr. Pederson recognized that at this point, those of us who are going to be impacted are powerless, at least until the next election. He said right now all the power lies in the hands of the mayor and the lady and gentlemen of the council so we have to trust your judgement now about what is good for us. Mr. Pederson said he is going to do that, but what he would like to do is suggest some questions that you satisfy yourselves about the answers to. He asked if council is satisfied with the city's protection in the event the Halletts are unable to obtain the necessary financing. He asked if council is satisfied with the city's protection if they default on their loans. He asked if council is comfortable with placing a commercial business in a neighborhood park, where no one in the city or the surrounding community will have any control over its operations. Mr. Pederson said Mr. Hallett stated that they intend to operate past midnight, and they intend to seek a license to serve alcohol, which he is sure they will be able to purchase. Mr. Pederson asked council if they are comfortable with that. He asked if they are comfortable with the additional costs to the city for the Freedom Park location as opposed to what he believes to be a more suitable location, probably better for the Halletts frankly, and more in keeping with the Comprehensive Plan and that's the area of Graham Road, I-65, Emerson Avenue. Mr. Campbell indicated his time was up. Mr. Pederson thanked council.

Mr. Campbell opened the floor to those who wish to speak in favor of the iceplex.

Tyler Klassen lives within El Dorado Estates within White River Township [not within the city limits of Greenwood]. Mr. Klassen shared he is a hockey coach for the kids at Perry; he has done it for three years. He said he grew up in Wisconsin playing hockey, coached in North Dakota and he has never seen the incredible growth that we have had down here. He said they have to use half sheets of ice, split it up because of the numbers we have. Mr. Klassen said the only way to fit thirty of these kids, there are sixty on the ice at one time, thirty from one team on one side thirty on the other, he has never seen the growth, and it is incredible. Mr. Klassen said unfortunately, we do not have the ice to offer a girls' team, the handicap accessible ice for sled hockey, they are not able to offer, and they want to offer it. He said this new rink would allow it; also the money that this would bring in to offer local jobs, when he takes his son to a hockey tournament on the weekend, you could easily spend two nights and at least \$300 that money will be spent in Greenwood, food, hotels, and jobs for our local people. Mr. Klassen strongly encourages council to approve the iceplex. Mr. Klassen thanked council for their time.

Duncan Baumgart addressed council; he lives in Crystal Lakes, a neighborhood just behind where the iceplex will be built [within Greenwood city limits]. Mr. Baumgart said he is in favor of the iceplex and is extremely excited that it will be built in his backyard. He shared what makes hockey different from all other sports, is the way it brings communities together, families have to be involved by bringing their child to the rink for practice and games, unlike football, soccer, basketball for most people you can't just decide to play ice

hockey in their backyard unless you live way up north. He said Philadelphia Flyers late owner, Mr. Ed Snider created the Ed Snider Youth Hockey Foundation whose mission is to build lives and unite communities, with an emphasis on character development, life skills and academics. He said the foundation uses the sport of hickey to educate young people to succeed in the game of life, and has been extremely successful. Mr. Baumgart said there are programs like this across the United States that use hockey to develop kids, we have one here. He said this iceplex would give the kids the proper facility to grow their character and learn life skills with this incredible sort. Mr. Baumgart shared he has been coaching with the South Indy Sharks for the past three years and he sees firsthand the incredible support and involvement these families bring on a daily basis. He said since he has been with this organization it has grown and this iceplex would help us as a community to continue to educate these kids. He indicated the time where he sees kids getting into trouble is where they do not have structured activities to do, structure and organization for kids is an absolute must and in order for them to succeed in life. He said he feels blessed that he will be able to teach kids the sport of hockey with an incredible ice rink so close to home. Mr. Baumgart said he has been an educator in Indiana for ten years and a teacher in this community for the last seven and he loves Greenwood. Mr. Baumgart thanked the Halletts, Mayor Myers, and to all who are working to make this rink become a reality to help him be able to serve the kids in this community.

Kim Mosby addressed council providing a handout [attached]; he lives down the street from Freedom Park in Timber Valley, a Whiteland address but a Greenwood resident [within Greenwood city limits]. Mr. Mosby expressed his support for the ice complex, and encouraged council to vote yes to changes needed to allow the construction of the ice complex at Freedom Springs Park. Mr. Mosby shared he has a vested interest in this project; he has a grandson who plays hockey, and he is a homeowner in Greenwood. He said his research shows that the addition of a recreational complex has many benefits one of which is an increase to your property values, he has provided council with a copy of the report showing this and ten other benefits that a recreational complex will bring to your city. Mr. Mosby said other concerns he has heard is an increase in visitors to the park; the number that has been thrown around is 800,000; he assured council it is not all at one time. He said this is a plus not a minus, one of the things he can assure you hickey people and ice people spend money, they will bring thousands of dollars to the city of Greenwood. Mr. Mosby also commented, in addition to being a grandparent, a hockey player, and a homeowner in Greenwood he also is an executive for a Greenwood Home based company. He said the addition of any kind of recreational complex, pools, water parks, goes a long way in making a city very attractive to reside in. He said this helps with recruiting and retention of the quality of help you need today, the quality and talent you need today, he said it is very competitive markets out there for talent. He said in addition to this, it would encourage companies to relocate and open their business in Greenwood. Mr. Mosby said we brought a company out here from Maryland for just that reason. Mr. Mosby closed by saying although this project may have some minor inconveniences the plusses far outweigh the minuses; we are talking about increasing the property values, increase in [inaudible] and many more. Mr. Campbell said his time was up. Mr. Mosby thanked council.

Matt Nichols addressed council; he lives [in Clearbrook Lakes, within Greenwood city limits] he looks out his back window onto Stop 18. Mr. Nichols said traffic is a concern to him as it is with some of these other people. Mr. Nichols said he believes traffic on Averitt Road is already a bit of concern and he does not believe this project will affect it that much. He indicated it would probably increase the schedule that the city has of improving Averitt Road and the intersections at Smith Valley. Mr. Nichols said as others have mentioned real estate values are going to increase, usually increase because of a project like this; the tax revenue that is going to be generated is going to help the schools. HE said he has lived in Greenwood 25 years or so, he knows kids come home with fundraisers and the schools are always needing extra money the additional revenue that this project is going to bring, he thinks, outweighs any of the negative concerns from some of the residents. Mr. Nichols said we have an opportunity in a city this size, to have a company willing to invest \$20 million in our community. Mr. Nichols said he knows a lot of these same people were probably against the Freedom Springs project when it was announced because it was funded by the city [audience mumbled their disagreement] he mentioned he didn't say everybody but a lot. Mr. Nichols shared he was opposed to the

Freedom Springs pool because it was our tax dollars and this is a private company willing to invest and it is going to bring in revenue. Mr. Nichols said he hopes council considers that and go forward with the project.

Nancy Witt addressed council; she indicated she lives at an address [in Wakefield subdivision in Center Grove and not within Greenwood city limits]. Ms. Witt stated she is a hockey mom, her son is present, some of the things those in opposition to this have mentioned, they don't have complete clarity, and she would like to bring up regarding the alcohol license. She said this is not going to be a nightclub experience, or situation. She added these are moms or dads that are out of town for hockey for the entire weekend who, between a 4:30 game and an 8:30 game want to sit and have dinner, and maybe a beer with their dinner; it would not be anything out of hand, in her opinion. She shared she has gone to other rinks and have done that exact thing. Ms. Witt mentioned there is a Moose Lodge nearby and closer to the school that have beer and wine there and have for many years. Ms. Witt commented on the 800,000 visitors someone already mentioned it will not be at one time; she said please understand, her family of six goes to the rink two or three times a week and that encompasses that 800,000 estimate. She said right there is going to be 18 people not all at one time, as far as the entire hockey community, when we have events families come in but they are not there every week, they are there for one weekend maybe two out of the year. She also mentioned it was her understanding the rink will only take up 8% of the greenspace and that the facilities that may be moved or covered by this rink will be relocated. She mentioned nothing will be taken away from the community and we are not taking all of the greenspace that is left. Mr. Campbell indicated her time was up. Ms. Witt thanked council.

Mr. Campbell said that would conclude information sharing regarding iceplex and opened the meeting up to anyone who wishes to address council on another issue.

Sanford Pederson addressed council sharing that two weeks ago at the end of the meeting he shared his concerns with council about 18 wheel traffic trailers on our two lane roads. Mr. Pederson said he was gratified it was already on council radar; but he understands the issues are complex, and would like to make a request. Mr. Pederson said he travels the section of 31 north of Worthsville to the Bermuda Triangle to Smith Valley to where it turns into Emerson, if council could address the issue for the whole city but look at just that area. He added because as the number of warehouses in south Greenwood and in north Whiteland is increasing he has seen increasing numbers of traffic trailers following that exact route to get to 31 and watching the road deteriorate. Mr. Pederson said it is just a suggestion for greater efficiency. Mr. Pederson thanked council for hearing him.

Chuck Harlow, owner of Internet Computing Solutions located at 53 N Madison Avenue, addressed council regarding Resolution 17-05. Mr. Harlow said he was here to discuss part of Resolution 17-05, specifically the plan to restrict Madison Ave. traffic with a pedestrian walkway. Mr. Harlow indicated that he is mostly pleased and encouraged by the revitalization efforts and future plans of the downtown area. However, he said he is very concerned about the proposed pedestrian and bicyclist walkway planned for Madison Ave. after reading about it in the Daily Journal last week. He said it was the first time he had read about the pedestrian walkway being a part of this plan. He said his main concern regarding this proposal is the restrictions and congestion this will place on vehicles along Madison Ave. Mr. Harlow shared the news article stated that this will encourage visitors to slow down and get a better look at the area; the idea is that this lends to quality of life and make it more appealing to active communities with these types of amenities. Mr. Harlow said the main problem he can see with this is that Madison Ave. seems to be more of a business-oriented district right now, and is a major N. /S. corridor for thousands of vehicles every day. He shared it is full of real estate, financial services, mortgage companies, attorney's, hair salons, health services, and now a computer business with a few restaurants, and a couple specialty retail shops. Mr. Harlow said for the most part it is not a shopping or retail district. He said brick and mortar retail shops are closing at high rates due to online shopping trends of the typical consumer. He continued, however, this trend is not affecting service businesses, restaurants, or business of that nature. Mr. Harlow said businesses thrive on name recognition and advertising, and some of the best advertising for any business is the signage that is

prevalent in front of our businesses. He said the more that signage is viewed the better and restricting traffic flow through this area will force our targeted customers to take other routes. Mr. Harlow shared another concern was the fact that this proposal calls for paying a consultant \$300,000 to develop a feasibility study and plan to put in this pedestrian walkway. He said that seems like an awful lot of money to waste on spending on a plan that could rather go for some much-needed improvements to the area and address some immediate needs for that area. He shared the article has a quote from Ezra Hill that states, "When you have a gateway into your downtown you want it to look nice and be attractive to visitors." Mr. Harlow agrees with that 100%. He continued a concern for any business district is the accessibility to that district for our potential customers; this includes the sidewalks and public parking areas. Mr. Harlow indicated the public parking areas along Madison Ave. are poorly lit, poorly advertised, and poorly landscaped. He continued saying the sidewalks on both sides of the street have areas of decay and crumbling curbs and weeds fill the cracks. He said the delivery trucks entering the parking lot of the village pantry from the back alleyway have crushed the concrete curbs in front of his business.

Mr. Harlow noticed other areas of the curbs along Madison Ave. that are just as bad. He asked how did the city decide to repair these holes and crushed curbed. He said they were filled with a temporary black patch material. He said this in no way creates or produces an appealing or nice looking area that would encourage traffic to stop at our business; rather it makes it look very run down. Mr. Harlow said spending \$300,000 on a study or plan that will do little to enhance the traffic in and out of this business district could be better spent on the public parking areas, that do exist but lack signage, landscaping and cleanliness. He said the parking lot at Madison and Broadway has no signage what so ever, it looks like an abandoned lot. Mr. Harlow also said the lot at Madison and Wiley has two small signs that are barely visible to any north south traffic that no one would know what it is if they didn't know what it is. He said nobody even knows about the parking lot that located off of Pearl St. and Madison because there is absolutely no signage what so every along Main Street or on Madison Ave. Mr. Campbell indicated he had one more minute. Mr. Harlow said the only well lit, well documented lot in the area, is the main lot at Main and Madison and quite frankly nobody is going to park there and walk up to Vino Villa or La Trattoria or any other shops further north. He said spending \$300,000 to enhance these existing parking areas by adding signage that would clearly indicate what and where these lots are, enhancing the landscaping in these areas, fixing the sidewalks and curbs properly, adding decorative lighting, widening the existing sidewalks without taking up road space along Madison Avenue, and even adding very well lit, and stop-light controlled pedestrian cross walks across Madison. He said all of that would go much further at encouraging people to stop and shop in this business district rather than spending \$300,000 on a "plan." Mr. Harlow said he strongly encourages this council to rethink the idea of a pedestrian walkway and how it will negatively affect the businesses located along Madison Avenue by restricting and thereby discouraging vehicle traffic. Mr. Harlow thanked council. Mr. Corey said he is a small business owner as well and wanted to make sure they were on the same page. Mr. Corey addressed Mr. Harlow and said it sounds to him that for you, for your business the importance on vehicular traffic and getting it to move to your business more than pedestrian. Mr. Harlow said yes, because pedestrians are not typically going to walk into a computer business or a salon or a financial service, or attorney office. Mr. Corey said he mentioned adding onto the sidewalks without taking up road space. Mr. Harlow said that was correct. Mr. Corey mentioned you feel like that middle turn lane is important for vehicular traffic on Madison Avenue. Mr. Harlow said yes, especially during high times of traffic, morning and evening, which aren't the most typical time for business but without that middle lane, traffic already backs up. He said he can sit in his office and between four, five to six o'clock traffic backs way up past his office. He said that stop light is so short at Madison and Main it takes a long time for it to clear. Mr. Harlow said even during the day when traffic does back up, without that middle lane, especially being able to turn at Main and Madison it is going to create even more of a mess.

IV. Reports

A. Corporation Counsel

None.

B. Controller

None.

C. Committee & Board Reports

Mr. Campbell stated the RDC has not met since council's last meeting and RDC will meet next Tuesday.

Mr. Landon stated at the next meeting he will bring the Executive Director of the Social. Mr. Armstrong asked if it was possible to wait until two meetings from now, because the iceplex will still be on the Agenda. Mr. Landon stated it may be possible; he would discuss it with the Executive Director.

Ms. Gibson shared information about a Purse Auction at The Social this Thursday night at 550 Polk.

V. Ordinances and Resolutions

A. Notice of Intent to Consider

[ORDINANCE NO. 17-17](#) AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY REFERENCE IN ZONING ORDINANCE NO. 82-1 (Proposed Rezoning of Approximately 2.993 Acres Located on the South Side of Stones Crossing Road Approximately 1,463 Feet East of Stones Crossing Road Intersection with State Road 135)
(Sponsored by Lekse)

Motion made by Mr. Corey. Seconded by Ms. Gibson.

Bill Peeples, Planning Director, addressed council regarding the rezoning of approximately 2.993 acres in the vicinity of Stones Crossing Road and State Road 135. Mr. Peeples shared this was requested by the Franciscan Alliance. He said currently there is a retail subdivision under development called Swartz Crossing, they are probably cutting in streets right now. Mr. Peeples stated he has not been out there in the last two or three weeks, but Community Development Services did issue land-alteration permits to start development of the commercial subdivision. Mr. Peeples said they also did the land alteration permit for a four story medical office building that St. Francis will operate at the location. He shared a map indicating the area under construction was to the left of the hashed rectangle. Mr. Peeples said that St. Francis has a master plan that includes an emergency department and possibly a fitness center. He said the four-story office building and the emergency department are probably going to be constructed sometime this year, maybe bleeding over into next year because medical offices take quite a while to construct. Mr. Peeples said they need more parking, then can be accommodated by the lot they own within Schwartz Crossing and the zoning ordinance allows parking up to three hundred feet off your property. Either a lease, an easement, outright ownership of the property would be necessary to do that. Mr. Peeples said this is so they can expand their parking into this area that is currently zoned agricultural. He said if they ever want to build a building on it, they would have to incorporate it into the Swartz Crossing plat. Mr. Corey clarified they just want to use the property for parking. Mr. Peeples said yes, just a parking lot.

Motion to amend adding a commitment that the rezoning is contingent upon that it only be used for parking by Mr. Corey. Seconded by Mr. Lekse. **Vote: Ayes. (9-0) Motion carries.**

Mr. Campbell requested roll call on Ordinance 17-17 as amended. **Vote: Ayes. (9-0)**
Motion carries.

B. First Reading

[RESOLUTION NO. 17-04](#) A RESOLUTION DECLARING CERTAIN AREA WITHIN THE CITY OF GREENWOOD AN ECONOMIC REVITALIZATION AREA AND ECONOMIC DEVELOPMENT TARGET AREA AND QUALIFYING CERTAIN REAL PROPERTY IMPROVEMENTS FOR TAX ABATEMENT AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING (Indiana Ice Arenas, LLC)
(Sponsored by Gibson, Campbell, and Hill)

Motion for the first reading of Resolution No. 17-04 moved by Ms. Gibson. Seconded by Mr. Hill.

Mr. Lekse questioned the resolution stating he is opposed to it, for lots of reasons he won't mention tonight, he wished to make it clear what we are being asked to do up here today. He said according to the resolution we are being asked to allow a tax abatement under Indiana Code Title 6 Article 1.1 Chapter 12.1 Section 3. Mr. Lekse asked if that could be pulled up on the screen. Ms. Taggart complied. Mr. Lekse went on to explain this is a fairly complicated proposal and relies on looking into a lot of different places and the construction and several steps that we have to go through and he would like to ask about the first step, which is the statutory authority for doing what we are being asked to do. Mr. Lekse said part of the statute preceding this is the general authority for allowing this abatement, allowing the City of Greenwood in our case, to give this tax abatement. He said this is a question that he only stumbled upon today [inaudible]. He pointed out paragraph (e) *Except for deductions related to redevelopment or rehabilitation of real property in a county containing a consolidated city, which is not our case a deduction for the redevelopment or rehabilitation of real property may not be approved for the following facilities: (1) Private or commercial golf course. (2) Country club. (3) Massage parlor. (4) Tennis club. (5) Skating facility (including roller skating, skateboarding, or ice skating).* Mr. Lekse said reading these exceptions far says that the City of Greenwood may not approve a tax abatement for a number of things, including a skating facility which includes ice skating. He said we as a council have to decide that, despite that language we can somehow approve this tax abatement. He said in reading along it completes the list of the dirty dozen, he read the list and stopped at (10) *Any facility the primary purpose of which is: (A) retail food and beverage service; (B) automobile sales or service; or (C) other retail;* reminding you what it says in the first paragraph, the city cannot provide abatement to these things, but the tail end of ten it says: *unless the facility is located in an economic development target area established under section 7 of this chapter.* Mr. Lekse said that is confusing but the more he reads it, the more he is certain that that little exception to exception; meaning if it's an economic development target area only applies to retail food, automobile sales or other retail, those items listed at ten (10). Mr. Lekse said to solidify his understanding of that, if we look at residential, reminder in paragraph (e) the City of Greenwood can't give abatements for these things (11) *Residential, unless: or (B) the facility is located in an economic development target area established under section 7 of this chapter.* Mr. Lekse said his understanding is that the city's position is, if tonight we think that this is worthy of a tax abatement, the city's position is that if we designate it as an economic development target area, we can do that. MR. Lekse said but by looking at this list, he doesn't think that is the case. He said he doesn't think that the two references to economic development target area apply way up to (5); he thinks they only deal with things that you see in (10) and (11). Mr. Lekse said that is the question that he literally arrived upon today, and asked two of the city attorney's to weigh in on it and let the council know that he had this question. Ms. Taggart replied saying she apologized for the delay in response to Mr. Lekse's email as she returned from vacation today. She said she will attempt to address Mr. Lekse's question. Ms. Taggart said, for those of you who think that law in a criminal context or one of the exciting things you read about, usually it comes down to commas and semi-colons as anyone who is a big fan of the Oxford comma they may have noticed there is a big headline case that was on CNN and NBC recently where a lawsuit literally came down to an oxford comma; millions of dollars one way or the other. Ms. Taggart said when we get down to the nitty-gritty of statutory

interpretations sometimes it can come down to something as simple as a piece of punctuation like an oxford comma etc. Ms. Taggart said in section (e) as Mr. Lekse said there are different ways you can interpret it. She said Mr. Lekse has read the way in which he interprets it. She said another way you can interpret the statute is to look at the tabbing along the sides, unless is not in with the (a), (b), (c) it is out with the (1), (2), (3) when you look at (11) those are all tabbed in, so, as qualifying- sub qualifiers for subsection (11). Ms. Taggart said also, all of them are defined as facilities in subsection (e), the facility is the word that is used down there, they don't use another one. Ms. Taggart pointed out (11) it says *residential unless* and it has there up in that and it is listed. She said *unless* is not in (10) at all it is out in the separate clause that is tabbed out to where the other ones are. Ms. Taggart stated in response to an audience comment there are a lot of periods all along the course of it. Ms. Taggart continued it is the city's position that it can be determined to be an economic development target area. She said is this subject to different interpretations, possibly yes. She said, as council knows we have other cases that have had issues regarding statutory interpretation where you have that argument. She said they have tried to stress throughout this deal this tax abatement is just one preliminary step in the hockey project approval process; the remaining step is a project agreement, which will go before the Park Board. She said that project agreement will contain the lease for the property and a variety of other controls that go onto the property including what happens if the business goes dark; what happens if they default on the loan etc. Ms. Taggart said one of the contingencies that will contain, just like a lot of the granted incentives of various nature, it will contain a clause that if this tax abatement is deemed invalid for any reason, or the law changes etc... will provide an alternative mechanism for Indiana Ice Arenas to receive the value of the incentive that they otherwise would have gotten through the tax abatement. She said that is a question of statutory interpretation; they did consult outside council on this, and the city's position is that it is eligible to be determined to be an economic development target area. She said she is not going to say that it is not subject to other various methods of interpretation, it is, like lots of areas of the Indiana Code. Ms. Taggart continued saying the project agreement with the hockey rink will provide for the contingency for that. Mr. Lekse asked if it is safe to assume that when Indiana Legislature passed... other councilmembers interrupted it is not safe to assume anything with State Legislature. Mr. Lekse continued but to identify some of those things and he named golf course, massage parlors, and skating facilities, can't we assume there is some reason behind banning tax abatements for those. Mr. Hopper said is there some reason they didn't put hockey in there, that is on a sheet of ice why didn't they put that. Mr. Lekse said it involves ice skating but if we can assume that there is a public policy against that is it really a good idea for the city to plan on a work around... in other words is it a good idea for the city to do something that they can't do under law... Ms. Taggart stated we have provide incentives to a variety of economic development prospects that invest far less than \$20 million, in methods other than tax abatements all the time. Mr. Lekse thanked Ms. Taggart for that explanation but he said he disagrees because (7) for example ends in a period (8) ends in a period and then (10) starts with *any facility* and ends after the phrase *section 7 of this chapter [period]* he thinks its independent. He added he doesn't think that last phrase under (10) is meant to modify or grant an exception to the exception for [inaudible]. Mr. Corey asked if there is case law supporting either way. Ms. Taggart said not that she is aware of, she could do a more thorough search but not that she is aware of. Mr. Lekse said let's look at what it takes to establish an economic development target area under *Section 7* of this chapter. Ms. Taggart displayed Indiana Code Title 6. Taxation IN CODE § 6-1.1-12.1-7. Mr. Lekse said if we assume that calling the park and EDC will allow us, under the law, to grant a tax abatement under the section we just studied together. Mr. Lekse said the council is being asked to make the following determination... backing up the first paragraph says *After favorable recommendation by an economic development commission* he said that already occurred earlier this month at the first it was a Special Meeting of the EDC. He also pointed out that that meeting comments were also made that indicated that it is a tough decision but ultimately it will be up to the city council, and tonight you might hear them talk about sure it's a tough decision but ultimately this will go through another process where it has to go before the Park. Ms. Taggart clarified the tax abatement and whether to grant it, statutorily, is the final decision that goes before the council; the EDC only makes a recommendation. Mr. Lekse said so it will be the determination of the EDTA then. Ms. Taggart state that was correct, and the Park Board will not be making the determination on the EDT. Mr. Lekse said in terms of the City of Greenwood proceeding

with this project, his comment is that... Ms. Taggart said yes, the ultimate authority if the city proceeds forward with the project is not with council it is with the owner of the property and the Park Board. Mr. Lekse said his concern is there is buck passing... Mr. Campbell asked if we could move on to the main point. Mr. Lekse said the main point is fellow council members we have to determine that Freedom Park *has become undesirable or impossible for normal development and occupancy because of a lack of development*. He added that is curious given the fact that there are new homes being built right next door for \$300,000 to \$400,000. Mr. Lekse quoted the Indiana Code *cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property*. Mr. Lekse said he does not see any of those factors existing in Freedom Park; if somebody wants to cut to the chase and say, it's a park you can't develop it, then say that. He said that is not included within paragraph (1); he would sum up as saying a blighted property. He said we can argue over the definition of blighted and these things that we see here, but he doesn't know how anybody with a straight face can read that and apply any of this to Freedom Park. Mr. Lekse said it is not fair to the surrounding neighbors and it's disingenuous to claim that a park, which the public probably understands to be a piece of real estate that has been set aside in order that it will not be developed. He continued it's disingenuous to say we have set aside this piece of property for public use so that it won't be developed and then point to that paragraph and then say well that's not why it's been developed. Ms. Taggart replied she thinks we have already, or at least she has provided her guidance to the council to this via email regarding the definition of an economic development target area and an economic revitalization area so, whenever you have to make a tax abatement anywhere in the city, you have to deal with something an economic revitalization area. She said the definition for and economic revitalization area is absolutely identical when you read it word for word she said she has provided that to what an EDTA is. Ms. Taggart said anytime that this council has granted tax abatement they have made that underlying finding with respect to the land underneath it. She said the difference is an EDTA is limited and can only be limited to 20% of the geographic scope of the city; so whereas you can grant a tax abatement for anywhere if its and ERA, for those specified uses you are limited to only 20% of the area. Ms. Taggart said the legislature wanted to limit they didn't want us to grant tax abatements to restaurants McDonalds, skating rinks all over the city they said you are limited to a geographic scope to 20%. She said really what this has test has been and how this has been applied throughout the state of Indiana, because anyone, anywhere grants a, where Ulta was and we granted the tax abatement right off of I-65, which was blanket land there, we had to find this is what it was. Ms. Taggart said what this has been defined as and applied for throughout Indiana is the "but for" test would the development occur "but for" the tax abatement. She said the development in this instance meets that test; we are comfortable with it. Mr. Lekse said he is not comfortable sitting here [inaudible] area this 6.3 acres in the middle of Freedom Park hasn't been developed because it's *undesirable, or impossible for normal development because of a lack of development, cessation of growth, deterioration* and so forth. He said the city is often improving Freedom Park, and frequently improving it. He said he thinks there is a big pool or something there. Mr. Lekse asked so where's the lack of development in the greenspace. Ms. Taggart said there is no commercial development in that area south of it, where the pad is there is also a "scrap yard" directly north to the park. Mr. Lekse countered the area is 6.3 acres; the scrap yard is not in the area. Ms. Taggart said that is correct she said it would affect it. Mr. Lekse said the proposal Mr. President also does not comply with existing Zoning Laws, how is this area zoned. Ms. Taggart said it is zone ROS or Recreational Open Space. Mr. Lekse asked what are some of the permitted uses according to that... Ms. Taggart said open space, parkland, recreational facilities, etc... Mr. Lekse asked if we have another type of recreational facility called commercial recreational facilities. Ms. Taggart said we do, we have commercial tourism. Mr. Lekse said is there a definition for a commercial recreational facility and asked for a definition to be pulled up.

While Ms. Taggart searched for the definition, Mr. Campbell addressed the proposed amendment to Resolution 17-04 the redlined *Section 10. As a term and commitment of this tax abatement, the City hereby covenants not to expand or connect Stop 18 Road in a manner other than internally within Freedom Park or to Cutsinger Road without further approval and action by resolution of the Common Council.*

Motion to amend Resolution No. 17-04 as presented made by Mr. Bates. Seconded by Landon.

Mr. Corey mentioned the Comprehension Plan and the issue with Stop 18 going all the way from Sheek Road to Honey Creek Road. He asked when that plan was done. Mr. Campbell stated 2008. Mr. Corey asked about the plan that was done in 1987-1988. Mr. Campbell stated 2008 was the earliest one he is familiar with. Mr. Corey indicated that also had Stop 18 going all the way from Sheek Road to Honey Creek Road; why are we saying that is not a good idea when it has been on every Comprehensive Plan. Mr. Landon said that is a very good question, when we are putting a facility like this, assuming we do put the facility here, to him that is a game changer. He said we have changed the game. Mr. Landon stated he wanted and pushed for this amendment to be done, he personally thought this iceplex would be a good thing for Greenwood, but it wasn't a good thing for the residents. He said we had to do some major changes with the way we are going to run the roads over there to make it palatable for the residents. Mr. Corey asked if he thought putting Stop 18 running it all the way to County Road, which is Cutsinger, which runs into Honey Creek... Mr. Landon stated he does not want that traffic going through that area. Mr. Corey asked so you are putting it onto people who live on Cutsinger and they will still go on Honey Creek. Mr. Landon said he does not want to run through the Brighton Estates area. Mr. Corey argued it does not go through Brighton Estates. Mr. Landon said the way it is run now it will go through the Brighton Estates area. Mr. Hopper said the concern is if Stop 18 goes all the way through to Honey Creek, which he thinks is a good idea, but if it is not built right away and we leave that half a mile stretch, then Stop 18 will connect to Brighton Estates through [there was some discussion as to which road Margate or Gateway]... Mr. Hopper settled on calling it "a road" within Brighton Estates before it connects to Honey Creek then people will drive through Brighton Estates to get to Stop 18, to get to Freedom Park. Mr. Corey said the amendment should be that we will not connect it to Stop 18 until Stop 18 is all the way to Honey Creek. Mr. Campbell said it just says we won't connect it without council approval. Mr. Corey said it says it will go down to Cutsinger unless this council changes it; putting it directly into Cutsinger is just making the traffic issue even worse over there, because then you are dumping traffic onto a county road which isn't designed to handle the traffic that it already has on there and then it is still going to go to Honey Creek Road. Ms. Gibson asked if council thought it was more appropriate to put that in a neighborhood. Mr. Corey asked if she was familiar with Apryl Drive, and continued that is what Stop 18 is. He asked if she considered Apryl Drive a neighborhood street. Ms. Gibson said she does yes. Mr. Corey said it is a collector street. Ms. Gibson said it is a collector street but there is all the residential there, and why when we have another option to take that traffic and send it out to a county road rather than putting it in a residential area, she thinks it is much more appropriate. Mr. Corey argued if there are houses on Cutsinger Road. Mr. Hopper asked if Stop 18 comes into the park and goes down to Cutsinger eventually that is going to be a residential area to. Mr. Corey said there is already a subdivision platted along Cutsinger Road. Ms. Gibson said you are not going to have immediate... Mr. Corey interrupted and asked again if there are driveways on Cutsinger Road. Ms. Gibson clarified for Mr. Corey that yes there are. Mr. Corey also asked if there are driveways on Stop 18. Ms. Gibson asked Mr. Corey are there not houses on almost every street in the city. Mr. Corey said not on any on Apryl Drive until... Ms. Gibson said what about 31, what about Madison Avenue if you want to talk about driveways and homes. Ms. Gibson stated she is sorry that he doesn't agree with it, but she too supports... Mr. Corey interrupted he thinks it is crazy that we can't travel east or west in this city already and we are going to make it harder to travel east or west. Mr. Campbell thanked Mr. Corey and asked if there was any other discussion. Mr. Lekse said he thinks it defeats the purpose of a required second entrance to Brighton Estates; which is for purposes of fire engines and things like that. He said he does not want to see the fire engines screaming through Freedom Park along with charter buses and things like that in order to get to Brighton Estates so he supports requiring an alternate second entrance that doesn't go through the park. Ms. Gibson asked if there was some discussion looking for an additional road on Honey Creek that they could tie into. Mr. Campbell stated that is a separate issue for the subdivision.

Mr. Campbell requested roll call on the amendment to Resolution No. 17-04. **Vote: Ayes: Hill, Landon, Lekse, Armstrong, Bates, Campbell and Gibson. Nays: Hopper and Corey. (7-2) Motion carries.**

In response to the previous question, Ms. Taggart shared she did not find Mr. Lekse's zoning classification called commercial recreational but she did find a definition of that. Mr. Lekse indicated somebody said earlier when Ms. Taggart read that recreational facilities are permitted in a park; he wanted to distinguish a park's recreational facility from what is known as commercial recreational facility. Mr. Lekse read the following definition [pulled from the Greenwood Municipal Code Article 22 Section 10-540 definition of Commercial Recreational Facilities] *Any activity conducted for economic gain which is generally related to the recreational field, such as bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, marinas, boat storage and dock facilities, and similar recreational activities such as pinball, electronic games, pool tables, etc.* Mr. Lekse stated the distinction is, picture a hockey rink with at restaurant selling beer and wine; what is the distinction between that and the community center. He continued people have to go into the Greenwood Community Center show I.D., show that they are a resident of Greenwood in order to get the lower rate, and the center is not being run for a profit. Mr. Lekse said he would argue that a four-rink hockey facility is more akin to this commercial recreational facility than it is to the community center. He added that if somebody were being honest and would say we want to put a commercial recreational facility in the City of Greenwood and they went in front of Mr. Peeples, he would tell them to go with the Zoning classification C2; he would not tell them to go to the ROS. Ms. Taggart said she is not aware that Zoning is before us tonight though. Mr. Lekse said it is an issue though, this doesn't comply with the zoning and if we are going to talk about what we are here, he thinks it's illustrative. Ms. Taggart said setting aside his point zoning isn't an issue, it's an issue precedent for a tax abatement it doesn't specify what order they have to... Mr. Lekse said his point is that this facility doesn't belong in the middle of a park in the middle of R1. Mr. Lekse said the C2 commercial district is intended to provide commercial, lodging, recreation, personal services, restaurants, retail stores, and general businesses and this is an important point; designed to service two things, the traveling public as well as local residents. Mr. Lekse said we have a lot of varying stories about what this iceplex is going to look like; initially it was sold as being an economic boom to the City of Greenwood; 800,000 visitors per year and so forth. He said obviously means that it is designed in part to serve the traveling public and he thinks we have heard comments to that effect here tonight. He added the other groups served in a C2 zone are local residents, so yes, there will be this mix of Greenwood residents and outsiders who use this facility, he thinks we all acknowledge that, it is not either or, but his point is, this doesn't belong in a park, like the community center does. He said this belongs in a C2 District, one of which happens to be the one up at I65 and County Line Road that everyone has been proposing. Mr. Lekse acknowledges that they are not here to talk about the zoning; it is illustrative of what we are being asked to do here tonight. Mr. Lekse said he would also remind the council that the Comprehensive Plan is not something that is easily dismissed; he thinks it has been given too little attention. Mr. Corey and Mr. Hopper argued that they have done it all the time... Mr. Lekse said they have talked about it; a Comprehensive Plan is required under the law and is not just coffee table material. Mr. Corey stated he would agree. Mr. Lekse referenced Indiana Code 36-7-4-504 (a) *After the comprehensive plan is approved for a jurisdiction, each governmental entity within the territorial jurisdiction where the plan is in effect shall give consideration to the general policy and pattern of development set out in the comprehensive plan.* Mr. Lekse said this doesn't comply with the Comprehensive Plan; he hasn't heard much debate about the Comprehensive Plan with respect to why the Comprehensive Plan would suggest that we have to put an iceplex in the middle of Freedom Park. Mr. Lekse reminded council that we have an obligation to look at the Comprehensive Plan when deciding whether to approve this abatement and the use of public land. Ms. Gibson referred back to the first discussion about having an aquatics center; at the time it was proposed, she believes around 2000, there were also four ball diamonds that were proposed to host tournaments to help us bring families in. She continued indicating it was to have tournaments to have both people coming to the pool but also designed to have outsiders coming in to pay fees to play ball. Mr. Lekse declared unfortunately tournaments are currently banned in all of Greenwood parks, alcohol sales are banned, charter busses are banned and not allowed to drive through the park, but we keep moving forward on this

thing he guesses the city will just have a plan for eliminating all those barriers and protections that are currently in its way.

Mr. Landon offered an amendment declaring one of the things that has bothered him a great deal about this is the sale of alcohol in the park. He said he does not like idea that every day that alcohol is served in a park, where we have little children around there, heavy traffic, it is not like this is the festival where we are policing it more aggressively. Mr. Landon stated he would like to, during the five-year life of the tax abatement, take alcohol off the table and if, they want to put alcohol in it, let them forfeit the tax abatement. Mr. Landon believes there are so many things that changing here, this whole game is changed. He said he believes in the administration, he truly does with all his heart. Mr. Landon said he thinks we are bending over backwards to try to help the residents, to try to work on the traffic issues, we are certainly pulling things forward, we are certainly trying to be more aggressive on that. He said the school will be sitting there and he would feel a lot more comfortable if we took off alcohol for the five-year abatement.

Motion to amend Resolution No. 17-04 to not allow alcohol to be served until after the five years of the tax abatement made by Mr. Landon. Seconded by Mr. Corey.

Mr. Corey asked why the five years. Mr. Landon replied he feels these people are coming in, nobody knows what is going to happen, this is all up in the air. Mr. Landon said nobody knows if they are going to be a good neighbor or a bad neighbor; everybody has a opinion we think that this is going to be a completely sterile environment and there will be no problems, but why don't we let these people come in and prove that they are a good neighbor. He said prove it and let us get the roads fixed over the five year period of time and then at that time, let them go forward properly and introduce alcohol. He added we as a council can't stop the alcohol process, that is between the Park Board at some point and the ABC; but we can certainly put monetary strings on this amendment so if they go ahead during the five-year period we will recapture our tax abatement. Mr. Landon said he thinks, for all people concerned, this will be a good cooling off period. He said we will learn more about the Halletts, the Halletts will learn more about this area and us, we will get some of the road construction done. Mr. Landon said hopefully this will have a happy ending but he doesn't want to stir booze into the mix right now, it brings too many problems, there are too many children and it just is not a responsible thing to do. Mr. Bates addressed Mr. Landon and said he appreciates what he is saying, a teetotaler himself, but he doesn't think that is the role of this council. Mr. Landon thanked Mr. Bates. Ms. Gibson sent a text message but didn't receive anything back from the person yet, but there was someone up there today and it was her understanding that there was no liquor visible, that is not something that is done a regular basis. Mr. Armstrong asked if she was talking about the Fuel Tank. Mr. Hopper asked if the audience cared to weigh in who have been to these various places that might have a restraint with beer or wine, and asked if they have run over any kids. The couple questioned indicated they are there for their kids. Mr. Corey asked Ms. Taggart how would this go about just for a tactical would they have to go this approves would it go through the Park Board then and they would have to allow the serve the alcohol... Ms. Taggart replied yes, currently alcohol is not allowed in the parks except when the Park Board approves it, like they have at Freedom Springs on occasion and concerts etc.

Mr. Campbell requested roll call on the amendment to prohibit alcohol for the five years of the abatement. **Vote: Ayes: Landon, Lekse, and Armstrong. Nays: Hopper, Bates, Campbell, Corey, Gibson, and Hill. (3-6) Motion fails.**

Mr. Hopper stating regarding architectural standards, he doesn't want them to build a pole barn obviously, what can we do? Ms. Taggart asked if he wished to have architectural standards above and beyond what it is. Mr. Hopper asked what the current restrictions are at Freedom Park. Mr. Corey said there is none. Ms. Taggart said it is not in an overlay district so it would be what is currently the standard... Mr. Hopper suggested it would have to be an all brick or stone structure. Mr. Corey suggested using the materials that are in the I-65 Overlay District. Mr. Hopper said that would work. Ms. Taggart asked if he wanted to make the tax abatement contingent upon the confining of the I-65 overlay district. Mr. Corey said to include the landscaping. Mr. Hopper asked what the landscaping is as far as the west side that backs up to Brighton Estates even though it is

four football fields away, do we need an extra tree or two in there... Mr. Corey said the overlay district does have that amount. Ms. Taggart stated she would have to look that information up. Ms. Gibson asked if Mr. Taggart is present. Mr. Hopper recalled the trees that were removed and replaced by Goodwill; he asked if that was by us or an agreement between BZA. Ms. Taggart and Mr. Corey both stated it was with BZA. Mr. Hopper said similar than that, he thinks it was more strict than our normal... Mr. Hopper asked if Mr. Taggart picked the trees. Mr. Taggart clarified he helped select the indicative planting species. Mr. Hopper would like the amendment to also include Mr. Taggart's input as to species of trees. Ms. Gibson indicated she spoke with Mr. Taggart last week about the potentially being some mounding towards Brighton Estates to give them a break from the park, rather than thinking about fence. She indicated that Mr. Taggart said there would probably be an adequate amount of dirt that would need to be put someplace, she said that might be used. Mr. Hopper said these folks have said that they love that greenspace, let's put the mounds closer to the building not right up on the estates where they now can't see any of the park. Ms. Gibson was just clarifying there was some dirt there to be available.

Motion to amend Resolution No. 17-04 to state as a condition of the tax abatement to require that the construction of iceplex complies with the architectural and landscape requirements contained in the I-65 Overlay with the exception that the west side of the iceplex be required to be screened similar to the south side of the Goodwill outlet made by Mr. Hopper. Seconded by Mr. Corey. **Vote: Ayes: Lekse, Armstrong, Bates, Campbell, Corey, Gibson, Hill, and Hopper. Nay: Landon. (8-1) Motion Carries.**

Mr. Lekse said he thinks he has used up a lot of time and indicated he wanted to move on to the construction of the basketball courts and the football field at the middle school. Mr. Campbell said seeing no further discussion on Resolution 17-04

Mr. Campbell requested roll call for first reading of Resolution 17-04 as amended. **Vote: Ayes: Gibson, Hill, Hopper, Bates, and Campbell. Nays: Landon, Lekse, Armstrong, and Corey. (5-4) Motion carries.**

RESOLUTION NO. 17-05 A RESOLUTION APPROVING REDEVELOPMENT COMMISSION RESOLUTION NO. 2017-05 AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE GREENWOOD ECONOMIC DEVELOPMENT PLAN AND APPROVING THE ORDER OF THE GREENWOOD ADVISORY PLAN COMMISSION
(Sponsored by Hill)

Motion for the first reading of Resolution No. 17-05 moved by Mr. Bates. Seconded by Mr. Hill.

Mr. Lekse said through the city attorneys he had circulated a proposed amendment to this in section 3.

Motion to amend Resolution No. 17-05 as presented blue lined by Mr. Lekse. Seconded by Mr. Corey.

Mr. Bates asked to clarify the changes. Mr. Campbell stated the blue-lined changes. Ms. Taggart stated she has a concern on the second part of the proposed amendment. She said the first one she has no legal issue with, it's the library [inaudible] the second is that it's a church, its religion; it's their classification for providing a particular church and a particular religion 200 parking spaces, that has a rather large economic value attached to it. Mr. Corey stated his thought was the Vineyard, where he crosses the street at Madison Avenue, they use the middle school parking lot, as it looks right now we are favoring OLG over the Vineyard. Ms. Taggart said it looks like we are favoring religious over non-religious uses as well. She said we have had conversations with OLG and are in the process of trying to reach an agreement with OLG negotiate a parking agreement that is based on a give and take on both sides where we can argue that there is consideration. Mr. Lekse said he thinks he has a distinction and that is, he certainly had [inaudible], he asked if Mr. Peeples is still present. Mr. Lekse said he would ask him whether or not when

Our Lady of Greenwood built the school, whether they were required to come up with a certain number of parking spaces. Mr. Corey can guarantee not at the time no. Ms. Taggart said that would be one part of it. Mr. Lekse said but when they expanded it, it is his understanding that the city required OLG to get some type of parking arrangement with the middle school at that time. Ms. Taggart said she has not seen anything in writing and she knows that both parties have looked... Mr. Lekse continued and so the way he might distinguish it is, if we as a city view that a facility of that size ought to have a certain amount of parking and that we as a city anticipate taking that parking away then we are putting that community member in a bind. Ms. Gibson shared she is a member of First Baptist Church on Main and they have bought two pieces of property to expand their parking; the church that is over by the postal annex have recently bought another piece of property to expand their parking. She said she thinks we all have to work at helping ourselves. She added the Baptist Church parking is used frequently by Ms. Curl and by people going to the park. Mr. Lekse said he thinks all the churches in the surrounding there are in the same boat, the one distinction that Our Lady also has, it has a school open to all, that doesn't have any kind of religious task Ms. Taggart. Ms. Taggart replied that is correct. Mr. Lekse said as a matter of fact the school receives a lot of state money through a school choice program and there has been no successful challenge to the constitutionality of state payments to Our Lady of Greenwood under the school choice [inaudible]. Ms. Taggart said that is correct, if you look at the state voucher programs and the case law that is tied to it with respect to schools, granted she has not looked at the very recent ones but if she goes back this issue has been around a long time when she was in law school, first amendment, all of that type of stuff. She continued saying they are very specific about what aspects of the education that it can go to and what parts of it they fund. She said they fund the general education of the students. She indicated this specifically is requiring parking during mass time, which kind of ties it to the religious purpose pretty specifically. She said she is just raising the issue as the council's counsel, that with this amendment there may be a potential challenge from either another church or from another non-religious use etc... Ms. Taggart added from paralegal perspective, just raising a red flag. Mr. Lekse said like we did with the first ordinance if he needs to make a motion for these amendments he will. He added why don't we all try to get lawyers from the Archdiocese to come in here by the next meeting and they can either work with you directly or they can come and talk to the entire council. Mr. Campbell questioned... Mr. Lekse asked Ms. Taggart if you only saw this amendment today, which you did, you haven't had time to research this question in full or are you just raising it as an issue. Ms. Taggart said she is raising it as a potential issue, on its face it raises concerns about a government gift to religion. She said she will also state that we have had numerous meetings with officials from Our Lady of Greenwood and she knows another one is scheduled upcoming with the actual leadership of OLG to discuss an agreement. Mr. Lekse said he understands that but the property owner is the Archdiocese of Indianapolis and if you have questions about the legality of any of those solutions he thinks you would want to talk to them and not necessarily a Monsignor or any other staff they might not be equipped to provide you with the legal answers that... Ms. Taggart said she doesn't think she has a legal question, what they were discussing with OLG was what would fit best in the minds of the parish council, the school principal, the church manager, and the Monsignor and then once they have to outlines of that legal agreement... Mr. Corey interrupted you are saying this is not the best place to put a separate legal agreement laid out... Ms. Taggart added that shows consideration on both sides as framed as not just us giving them 200 parking spaces or assuring of 200 parking spaces. Mr. Corey said that way you could also do an agreement with the Vineyard Church if they ever came to us... Ms. Taggart said she believes there is a potential solution to the parking situation with OLG that does not reflect this. Mr. Lekse said he would point out that this only requires the city to enter into an agreement with the Archdiocese, but it is very flexible in terms of what that agreement looks like. Ms. Taggart countered it is fairly specific, it states on specific parcel, the exact number of spaces. Mr. Lekse said the condition is not too grant the easement; the condition is an agreement where down the road the easement would be granted and specified. Ms. Taggart said correct she is saying there have been a number of solutions discussed amongst parties that do not involve that parcel. Ms. Taggart said the number of spaces is also something that... there are particulars that would need to be negotiated where there is give and take on both sides; where the benefits to the city are clearly expressed, as well as the benefits to OLG so that any such agreement would withstand legal challenge. She added if such an agreement is entered

into. Mr. Lekse said he understands, but he does not think that requirement is contradictory to what is here. Mr. Lekse said it is merely a placeholder requiring the city and OLG to talk. Ms. Gibson said so would we ask them to give us an agreement then to use their parking lot during Freedom fest... Mr. Lekse said that would seem fair. Ms. Gibson said you are only going one way with that. Ms. Gibson shared she believes we should wait for things to see how they work out with the ongoing talks with both the Library and OLG as she understands it; she doesn't think they have hit an impasse. Mr. Corey noted that Cheryl Dobbs, Greenwood Public Library Director, is here and asked if there is anyone from OLG present. Mr. Lekse indicated the man from the parking committee. Mr. Corey asked if anybody from the city or the mayor's office came to you since the last meeting. Pat Hagan said he is not really sure what official talks she is talking about. He said he is on the parking committee and he has not been involved; not to say the monsignor hasn't talked the Mayor Myers because he has, not to say maybe they have addressed the parish council, which is fine but the Archdiocese owns the land so any... Mr. Corey said he is more concerned is if there are actual talks being done because we are being told there are talks. Mr. Hagan said he would be interested to know what concessions from the church are you looking for to give parking to the church from the city; he said he doesn't understand what concession the church would be obligated to... he said the city uses all the church lot now for every festival that the city has for free. He said the city was also given the land from the Smith Valley bypass from the Archdiocese at no cost, so he is not really sure... Mr. Corey said his question was strictly was there lines of communication he doesn't want to get into this back and forth. Mr. Hagan said he would love to talk to them but has not heard anything. Mr. Corey asked Ms. Dobbs if anyone from the city has had any discussion with her since the last council meeting since the last council meeting about this parking issue. Ms. Dobbs said they have talked with them before the last council meeting but not since. Mr. Lekse said it is getting a little sloppy but whereby the city covenants the city agrees to...

Second withdrawn by Mr. Corey.

Mr. Corey said since Ms. Taggart doesn't seem to have any problem with Section A to add the blue lined Section A. Ms. Taggart said it did not have the same legal red flag.

Motion to amend Resolution No. 17-05 regarding the blue lined amendments as presented in Section A made by Mr. Corey. Seconded by Mr. Bates.

Mr. Campbell asked how did we come up with sixty parking spaces and where are these going to be located. Mr. Corey said it is similar to what the parking lot is now. Ms. Taggart said it says sixty in the aggregate is what it is saying, so that would include the Library's parking; it is her understanding that there is only actually eleven spaces that are currently in discussions between the city and the library. She said definitely the discussion is ongoing they are down to eleven spaces they are discussing. Mr. Lekse said he drafted this with the intention to be flexible where the city and the library could work out together where the other eleven come from. Mr. Corey said it sounds like it would have to be adjacent to the library's property. Mr. Campbell said the proposed amendment says *that not less than sixty parking spaces*, which means that would include the current... Mr. Hill asked how many spaces would they be losing from this plan, Mr. Steinmetz said the library won't lose any of its own parking spaces, we don't do anything to the library controlled land; it is the public lot that is immediately west of the library. He said they are in active discussions with the library and at this point and time working with the designers on the connector road, which includes that parking lot, the connecting road between Market Plaza and Surina; to find a way to address some of the parking needs with the library. Mr. Steinmetz said specifically with the different types of parking they need and the uses that library has. He indicated Ms. Taggart was correct it is about an eleven-space gap between the very rough plan that was submitted at Save the City and to the RDC, and what the library feels, the last time we talked with them, what they need. Ms. Taggart said her one legal issue with the way this was drafted would be the perpetual, the way this is reading we are in perpetuity supposed to ensure they have sixty parking spaces but it doesn't put any requirements on the library remaining in its existing footprint. She said right now the library has say forty-nine parking spaces and we would be required to provide and additional eleven. She added under this we are responsible for making sure they have sixty regardless of what they do with their own property, so they could

decide to make it a rain garden or build another wing on the library etc. so the way it is written is... Mr. Armstrong asked if we should change it to forty-nine spots and remove in aggregate. Ms. Taggart said she thinks it just needs to say eleven additional, if what you are getting at is, you want to get them to sixty total then it would be that we would provide, if that is your goal, then it would be eleven additional not that we are guaranteeing them sixty total.

Mr. Corey modified his motion to state an additional eleven parking spaces adjacent to the library. Mr. Armstrong questioned how many parking spaces the library currently has, that the library controls. Mr. Steinmetz said he does not know the exact number of spots currently and questioned Ms. Dobbs who said she wants to say it is ninety. Mr. Steinmetz said this is about the public lot. He explained the public lot decreased from its current thing to he believes eleven less than what the library thought they needed for their peak deal so they are trying to find... Ms. Taggart said so it is not that they are requiring eleven its saying that you want sixty sport in that public parking lot. Mr. Steinmetz clarified it is saying sixty spots in public parking and the way he understands it adjacent to the real property of the library; he said the parking lot got smaller. Ms. Taggart clarified that it is if the intent was to ensure sixty public parking spaces then you would want to change *not in the aggregate* for use by the library. Mr. Corey clarified with Ms. Dobbs that they are just wanting twelve, what they would use in peak. Ms. Dobbs said right and part of this is that just like the other surrounding parking areas, we get used for the park and other things, when we have big community wide events we often close the library. Mr. Corey clarified this is just for daily operations. Ms. Dobbs said, yes, and for days when we have a lot going on. She added will we use sixty every day, no, but when we have those really busy weeks yes we will; they are just trying to avoid having moms with kids walking across the park from the other parking lot, trying to get some that is close enough for them to get into story time that's all. Mr. Corey questioned the numbers again. Ms. Taggart said she is wanting sixty. Mr. Corey asked if she was wanting an additional sixty spaces plus yours. Ms. Dobbs said ours in the front, plus sixty over there. She said there were eighty over there, there was proposed forty-nine and we are asking that they be bumped up to sixty *if possible*; she said she knows with the course of the road and drainage issues there they will have to tell us whether or not it is possible. Mr. Lekse said the space that is owned by the library plus sixty. Ms. Dobbs said yes, that is based on use, those cars are going to go somewhere whether they go in that parking lot... Mr. Campbell asked how many does the library in addition to what you have, how many do you have now, do you have excess of sixty. Ms. Taggart said they want sixty more. Mr. Corey said they utilize sixty spots at our current public lot that is next to the school. Mr. Steinmetz clarified the [inaudible] public lot has forty-nine on the plan presented to the RDC; we are actively working on trying to push that number. Mr. Corey said we have some issues with Section B and need to clarify Section A better.

Mr. Corey withdraws his motion. Mr. Campbell clarified all motions at this point have been withdrawn and asked if there was further discussion.

Mr. Campbell mentioned there was a copy with the proposed amendments in red, Section 1 and Section 2.

Motion to amend Resolution No. 17-05 as presented made by Mr. Bates. Seconded by Mr. Landon.

Mr. Campbell *Subject to an amendment deleting the North City Center Parking Lot Redevelopment and Repurposing Project from the Plan Supplement, and Subject to an amendment deleting the North City Center Parking Lot Redevelopment and Repurposing Project from the Plan Supplement.* Ms. Gibson asked if there was a reason we couldn't just postpone this until the next meeting; she said we have discussions that are going on and it is her understanding that there is a meeting with OLG very soon in the next day or two. Ms. Taggart said she doesn't think an agreement would be decided in the next day or two. Ms. Gibson said but if there is ongoing discussion... Mr. Hopper said he would like to hear more from the gentleman who has concerns about Madison traffic. Mr. Lekse said with respect to the OLG he was not trying to require them an agreement be put in place rather than just some kind of commitment that it could be broad and flexible, it could be something like the city says *when this is developed we will ensure that will work with*

the developer and somehow come up with x amount of parking. Mr. Hopper said that is nowhere near what your paragraph reads. Mr. Lekse said that was his intent. Mr. Campbell said he is more in agreement with your intent than what he also read. Mr. Lekse said [inaudible] that is a huge parcel, the whole thing. Mr. Hopper said you turned it into a binding written agreement *whereby the city covenants and agrees to grant perpetual non-exclusive easement* you were very specific what you asked for, not in general we should have discussions. Mr. Lekse disagrees with that... Mr. Corey redirected council back to the motion on the floor.

Mr. Campbell requested roll call on the motion to amend Resolution No. 17-05 as presented. **Vote: Campbell, Corey, Hill, Hopper, Landon, Lekse, Armstrong, and Bates. Nay: Gibson. (8-1) Motion Carries.**

Mr. Corey addressed Mr. Steinmetz saying at the last meeting he asked him to present some scenarios on how this would be paid for, whether it would be bonded or all cash, [inaudible] to give me verbally that it was going to be all cash with the parking garage taken out... Mr. Corey said he doesn't want anything verbally, he wants it written down describing the scenarios in which this could be financed, we could do all cash it would take approximately this long, we could bond it and it would speed up.. he said he doesn't want anything verbally he wants it more in written formal fashion. Mr. Corey said you are expecting the fiscal body of the city to put this in, we should know how this impacts TIF money and the RDC period, we do not have that. Mr. Hill asked Mr. Corey if on other TIF projects have you asked for the same information. Mr. Corey said he has, and he voted no on the aquatic facility because they did not provide it; he indicated he was the biggest supporter of the aquatics center. Mr. Hopper said he was for it before he was against it. Mr. Corey said he was for it until they couldn't give him any information about it. Mr. Lekse said he would like to see a lot more detail than three pages when we are talking about spending almost \$30 million dollars. There was some chatter to clarify it may be down to \$12 million now. Mr. Corey said but we still don't know if it going to be all cash or if its bonded. Ms. Taggart clarified for Mr. Corey what was stated was that the RDC could afford to cash fund all the projects that are currently listed in it given its cash balance and the amount of cash that it [inaudible] in every year, whether or not it would do so would depend upon the timing of the projects... Mr. Corey said what would that do to our 150% state statutory... Ms. Taggart corrected it is not state statutory, she thinks he is talking about [inaudible] covenants. Mr. Corey asked how would that affect other projects that we have on the horizon, for example if somebody wants to come in and they want a certain amount of money besides just tax abatements to bring in a project, how would that hinder us from doing economic development projects. Ms. Taggart said correct as we stated it would depend on the timing of the plan, the plan is designed to encompass the remaining ten years of the TIF potentially, as you recall, we have projects in the plan from twenty years ago that still haven't been done yet. She continued if the timing of them were to be more accelerated then the bond would have to be issued at that point in order to do it in a quicker fashion was the answer that was provided to you. Mr. Corey addressed Mr. Campbell and Mr. Landon asking what is the direction of the RDC, are they wanting to use cash? Mr. Campbell said it hasn't come up yet. Ms. Taggart said it would come up on a project-by-project basis also.

Mr. Campbell requested roll call for the first reading of Resolution No. 17-05 as amended. **Vote: Ayes: Lekse, Bates, Campbell, Hill, and Landon. Nays: Armstrong, Corey, Gibson, and Hopper. (5-4) Motion carries.**

Mr. Campbell called for a five-minute break.

Mr. Campbell called the meeting back into order.

RESOLUTION NO. 17-06 A RESOLUTION APPROVING REDEVELOPMENT COMMISSION RESOLUTION NO. 2017-06 AMENDING THE ECONOMIC DEVELOPMENT PLAN FOR THE FRY ROAD/U.S. HWY. 31 ECONOMIC DEVELOPMENT PLAN AND APPROVING THE ORDER OF THE GREENWOOD ADVISORY PLAN COMMISSION
(Sponsored by Hill)

Motion for the first reading of Resolution No. 17-06 moved by Mr. Bates. Seconded by Mr. Landon.

Mr. Steinmetz said this is authorizes the Fry Road TIF to invest in Madison Avenue. He added that the Fry Road TIF has invested in every other thoroughfare we needed to do a variety of things dealing with the Greenwood Park Mall. He said this allows it to invest in Madison Avenue, the plan for which is a road diet done in multiple sections over multiple years. Mr. Corey asked if this road diet includes from County Line to Fry Road. Mr. Steinmetz said it does but it's not as severe there; we have not gotten the design phase but one of the things, if you have lived here for a long time, you might find putting landscape median back in the middle. He said they are arguing that five lanes over a hundred via pavement which is wider than 465 at some point and times is not the best orientation for up there. Mr. Steinmetz said he understands why that was done, when that was the major north south through fare to get you exclusively to the mall, he understands the thinking at that time, but what we are saying is that a softer approach, particularly from Fry Road to County Line. He continued saying particularly from Fry Road to County Line; the reason we haven't taken that as far is because we were waiting to see what happens with both that side of the mall and the large property to the east of US31. He said there is more in flux up there and that is why we are not doing that section at all first. Mr. Steinmetz said we do think long term 100 feet of pavement; first of all, it isn't very green, second of all, it is unnecessarily large. Mr. Corey asked if you are getting rid of that middle turn lane then, he said he knows this is all preliminary... Mr. Hill said there will still be turn lanes. Mr. Steinmetz said four lanes. Mr. Hill said they are not going to eliminate it completely. Mr. Corey clarified so you will have two lanes going each direction then. Ms. Taggart asked what point he was talking about. Mr. Corey said between County Line and Fry Road because that is where he is seeing where you need five, anything south of Fry Road; he gets the road diet part. Mr. Steinmetz said they have not determined exactly what... he can pull that up, but we haven't gotten that far on the road diet at Fry Road and the mall. Mr. Corey said his office is right there by the mall so he sees the traffic every day and between County Line and Fry Road he does see all five lanes being utilized and being needed. He said south of Fry Road he gets it, five lanes is a little excessive, especially when you are there by the church and things of that nature. Ms. Gibson said there is a really a left turn lane that where she turns left to go just south of Fry Road, where Maple is, when she turns left, there is a turn lane designated but everybody is anxious to get in the Fry Road west bound lane and they will run over you. She said you might be in that lane, but here they come to meet you head on. She said she thinks we need to look at that section immediately south of Fry Road where the traffic is going west bound on Fry. Ms. Taggart clarified what the actually plan says, it doesn't say road diet; it says to add pedestrian pathways and sidewalks and bicycle paths and make improvements to Madison Avenue. She said it doesn't specific what hose kind are, the only section right now that is under design, where you actually have a plan and a proposal is between Pearl to Noble. Ms. Taggart said significantly south of that, the reason why there is no design currently from Fry Road to County Line Road is because there is some discussions going with Simon about the portion there and an issue in flux with the flood maps on the eastern. Mr. Corey asked if this will ever come up before the council again. Ms. Taggart said it depends on whether it is bonded. Mr. Corey said exactly, so if I don't share my concerns now would I ever have another opportunity. Ms. Taggart said correct, she is just saying that some of his questions don't have answers to it. Mr. Corey said he understands and that is perfectly acceptable; he said he sees that traffic on a daily basis County Line and Fry Road needs to be five lanes period. He said he gets from Fry Road south; it doesn't need to be five lanes he agrees. Mr. Corey added but when you are talking about making Madison Avenue all the same... Mr. Steinmetz said there is no intention to do it all the same, that is why we put it in sections so we'd imagined, there is going to have to be a different orientation which if you notice it starts at Pearl not Main. Mr. Steinmetz said between Pearl and Main as you go into Old Town it gets even narrower. He said they are going to try to figure out the best way to get pedestrians there as well. Mr. Steinmetz mentioned driving up Madison around Christmastime, they know that Fry to County Line, which is why they did not start either at the north end or the south end. He said they started in the middle, the section they were more sure about.

Mr. Campbell requested roll call for the first reading of Resolution No. 17-06. **Vote: Ayes. (9-0) Motion carries.**

C. Second Reading

None.

VI. New Business - Introduction of New Ordinances and Resolutions

None.

VII. Miscellaneous Business

A. Council

Mr. Campbell said the council has been invited to visit Advantis Medical on Saturday, April 29th for their Open House. He said they would like for us to come by, they will have some of the daily operations going on to show what they make. He said they would like very much to have council come; the Open House is between 9:00 am and 12:00. Mr. Campbell suggested if council wishes to go that, we meet there at 10:00 am on Saturday April the 29th. Mr. Campbell asked for an indication of those who may be interested in visiting. Mr. Campbell reminded council that Advantis was one of the companies that on their last tax abatement SB1 they had some questions when they came before council. About seven council members indicated they may be interested. Mr. Campbell also indicated the Mayor was invited as well, but he will not be able to make it, if the Deputy Mayor would like to go. Ms. Taggart asked if the Clerk's office will take care of noticing that. Ms. Thompson indicated they would.

Mr. Campbell mentioned there has been one more added to the list of approved attorney's. Mr. Campbell said he gave Mr. David Peebles resume a while back. He said he does have some municipal background and experience; his wife gave the invocation here a few weeks ago as well, and he recently moved his office to Greenwood.

Mr. Corey said he would like to put Ordinance No. 17-16 under notice to consider. Mr. Corey said when we tabled this for some commitments for the rezoning; he has emailed them out to council. He thanked Ms. Taggart and Mr. Peebles from the Planning Department for their help. Mr. Corey said he talked to most of council about some of the requirements, this came up basically a blanket rezoning without any commitments and you could put practically anything there. He said the initial reaction was maybe making it just restaurant, however, there was thought that maybe it should include a little more in case this project fell through or something else wants to go there. Mr. Corey said C1 is just for the restaurant, however, C2 allows most of it, which is retail, you could put a small shop there, but we did exclude certain things, self-storage, group homes, credit agencies, non-classifiable, banks is not allowed under that. He said they don't want a situation that you have there in your neighborhood; banks and credit unions have different zoning. Mr. Corey said from an architectural standpoint should it be a minimum of two story as basically... Mr. Armstrong clarified a minimum or maximum. Mr. Corey said minimum, in the original plans they had it was minimum two story. Mr. Corey continued they had glass requirements for the elevations, some architectural relief by windows or front doors, features such as special brick, [inaudible] if you are familiar with bricks on the corner where they pop out a little bit on the quarter of the building or around a keystone on a window, every face of the building with a frontage on a public street shall have openings for windows, large expanses of glass are allowed but the building shall not be constructed entirely of metal or glass curtain wall, building shall be brick or stone on all sides. Mr. Armstrong asked if Hardie Plank complies with that. Mr. Corey said it just says building shall be finished with brick or stone. Ms. Gibson asked Mr. Corey if there was a committee that did this, because she thought there was discussion about having a committee and she missed knowing there was a meeting. Ms. Taggart stated the architectural standards is a whole [inaudible]. Mr. Corey said this was just Mr. Campbell said well you are the one that brought it up come up with something; he said you may be thinking of... Ms. Gibson indicated she would help. Mr. Armstrong said he thinks the Architectural committee was

something other than Ms. Curl it was... Ms. Gibson said no she was specifically interested in the Ms. Curl project. Mr. Corey apologized. Ms. Gibson said for us to put standards in after they have already spent months and a lot of time on their building we should have done this long before now, and long before they were spending money. She said they have been going through this since August or September of last year so for us to suddenly do this... Mr. Corey said he agrees the commitments should have been brought in first, but they weren't, but feels it is our due diligence to make sure that the building adheres to what we want on that corner. Mr. Corey said he has reached out to John, in fact, you probably saw him walk in with Ms. Curls, he hasn't been there a couple times when he stopped by and dropped off his city council card, nobody has called him. He indicated he does know he doesn't have, maybe not as finalized maybe as something... Ms. Gibson said she thinks everything but the plumbing and electrical is pretty much done, that was her understanding. Mr. Corey said it is hard to build something when you don't have financing for it... Mr. Corey said here are the architectural standards that he came up with. He said he thinks they are pretty equitable... Mr. Steinmetz asked if the city as a petitioner could make a comment on the proposed standards. Mr. Campbell said sure. Mr. Steinmetz said they have worked pretty closely with Ms. Curl during this, and very much wants to have a hometown, traditional feel. He said he always mentions Long Island or Michigan, and Mr. Armstrong brought up an alternative and it doesn't have to be that exact wording but we think would be... he said he understands wanting controls on it and wanting high quality development, but he feels the all brick concern won't meet with the vision. He continued but if we required something like Hardie Plank we can still get a quality product that meets what the owner wants to do which is that cottage/Traverse City or if you have been out East or up to the Great Lakes. Mr. Steinmetz indicated that having a second story is fine but... Mr. Armstrong said Hardie Plank on the whole thing would be appropriate. Mr. Steinmetz said he thinks we could make something work, perhaps we could introduce it now and make amendments on the next one with Hardie Plank if there needs to be some more details added we can do it, but we would just ask that it not be quite as... Mr. Hopper said if they are this far along the road they need to get us a color picture of what he thinks this is going to look like, because the drawings that we have seen, that building is hideous and he wouldn't want it on that corner. Mr. Corey said he had made the motion to put it on the floor, and made the motion to put the commitments that he had described. Motion to add these commitments made by Mr. Corey. Seconded by Mr. Hopper. Mr. Armstrong said to add the Hardie Plank to give them a little bit more flexibility; it would still be a permanent-type masonry product. Mr. Armstrong said you can include it stone and brick or Hardie Plank. Mr. Corey said his motion will include the cement fiberboard. Mr. Armstrong clarified *the building shall be encased with brick, stone or cement fiberboard on all sides*. There was some discussion on whether council took the ordinance from the table.

Motion to take from the table Ordinance No. 17-16 made by Mr. Corey. Seconded by Mr. Bates. **Vote: Ayes: Hill, Landon, Lekse, Bates, Campbell, and Corey. Nays: Gibson, Hopper, and Armstrong. (6-3) Motion Carries.**

[ORDINANCE NO. 17-16](#) AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY REFERENCE IN ZONING ORDINANCE NO. 82-1 (Proposed Rezoning of Approximately 1.19 Acres Located at 1 E Main Street, 21 E. Main Street, and 259 S. Meridian Street)
(Sponsored by Hopper)

Motion made by Mr. Bates. Seconded by Mr. Corey.

Motion to amend as previously discussed and presented made by Mr. Corey. Seconded by Mr. Armstrong.

Mr. Armstrong clarified if the amendments included the cement fiberboard. Mr. Campbell clarified it did.

Mr. Campbell requested roll call on the amendments to Ordinance No. 17-16 **Vote: Ayes: Hill, Hopper, Landon, Lekse, Armstrong, Bates, Campbell, and Corey. Ms. Gibson abstained. (8-0-1) Motion Carries.**

Mr. Armstrong asked how much Ms. Curl knows about the commitments that have been added. Mr. Steinmetz said he could speak to that, they don't know the specific list, but we do know they wanted to have a building that looked more like those facilities that he was talking about, but he thinks that we can thread the needle where we can meet the additional ones that Mr. Corey suggested with the idea we can include Hardie Plank siding and find a product that meets their vision and also raises the bar a little bit for Old Town. Mr. Steinmetz said he thinks this is a good compromise. Ms. Taggart said they have not seen these specific commitments, they were made aware that it was tabled and that council was considering commitments along the lines of what those commitments, but they were going to be in the form of stronger architectural standards. Ms. Gibson asked if Ms. Taggart would email those to all council as she and Mr. Landon did not get them. Mr. Corey asked if any council members received it. Mr. Hopper said the mail server is down. Mr. Armstrong said if based on not seeing those until right now, do we have to have this processed... Mr. Corey said we are way within the ninety days; he was just trying to get it done so they could start doing their design work. Mr. Armstrong said he thinks the idea of amending it to get it to where it is that way and then run it by them once to make sure that they agree with it. Mr. Steinmetz indicated we are good with it, that this is a product that we can meet these commitments. Mr. Corey said the city is the petitioner not really John so... Mr. Steinmetz said we think this is a reasonable compromise. Mr. Campbell asked if we pass this tonight would it go back to the Planning Commission or would it be as is. Ms. Taggart said it would be as is.

Mr. Campbell requested roll call on Ordinance 17-16 as amended. **Voice Vote: Ayes: Landon, Lekse, Armstrong, Bates, Campbell, Corey, Gibson, and Hill. Nays: Hopper. (8-1) Motion Carries.**

B. Audience

Seth Garrett [lives within Brighton Estates in Greenwood city limits] addressed council. Mr. Garrett said he doesn't think he needs to put up the Indiana Code that was being discussed earlier regarding the list of exceptions and where the indentations and punctuations fell but if we do if someone could put up that slide. He said he heard outside council had commented in agreement with the fact that the ice skating rink was included in that EDTA exception, he didn't hear if that was in writing or who they were but he thinks that would be important for council and public to know. Mr. Garrett said there is a department called the Department of Local Government Finance; if you don't know them he would recommend that you familiarize yourself with them, especially city council. Mr. Garrett said they are responsible for ensuring property tax assessment and local government budgeting are carried out in accordance with Indiana law. He said he has done lots of research on this, as you might know he has done research on lots of things and gives great credit to facts and sources and punctuation. Mr. Garrett said this department is responsible for drafting, publishing, and interpreting the statutory law, Indiana Code. Mr. Garrett said punctuation matters in Indiana Code; you should scan that document for semi colons and periods. He said he has been in contact with this department for some time now, because he finds them giving presentations on this code to local government offices on how it is indeed interpreted. He added they are not advising, they are not giving counsel, they are interpreting the Indiana State Code. Mr. Garrett said he specifically asked them about if the EDTA exception applied to everything above item (10) or just item (10). He said he got a response from the General Counsel whose biography listed him as lead counsel for the people that draft, publish and interpret these statutory laws; he said this only applies to (10). Mr. Garrett said so next time we vote on this, that needs to be very clear and somewhere in writing other than outside counsel needs to put that in writing because he has it in writing from the General Counsel for the department that interprets this law, that it only applies to (10). Ms. Taggart asked if it was still Michael Duffy. Mr. Garrett said that is still Michael Duffy and he is still there as of this morning; if the council would like to comment he would be curious if they consulted him when they determined if this was applied to (5) or not. Ms. Taggart said she has not consulted Michael Duffy on this, we have had statutory interpretation issues where we have differed in the past and the Attorney General had sided with the city over Mr. Michael Duffy. Mr. Corey said so basically Mr. Duffy has been wrong before. Mr. Lekse asked who have we been working with outside on this. Ms. Taggart said [inaudible].

Mr. Garrett said they are the ones that draft, published, and interpret the law and he thinks their opinions matter and if outside counsel's [inaudible] sought after, he thinks it should be in writing and we should have someone backing that up in writing. Mr. Garrett said he recommends tabling the vote in the future until that is very clear... Mr. Corey said Ms. Taggart just told you that Mike has been wrong before. Mr. Garrett said right but she also said the EDTA coverage 20% and it's actually 15% so multiple people can be wrong. Mr. Corey said he agrees. Mr. Garrett said he would just like outside council, a firm, to put their name on this in writing that would be his request. Mr. Garrett said it seems to be an easy enough thing to do; he is very familiar with semi colons and periods [inaudible].

C. Other Miscellaneous

1. Corporation Counsel

CF-1 Ulta Inc.- Res 14-08/14-13. Motion finding Ulta Inc. in compliance made by Mr. Corey. Seconded by Mr. Bates. **Voice Vote: Ayes. (9-0) Motion carries.**

CF-1 Petro Brothers - Res 13-11/13-17. Motion finding Petro Brothers in compliance made by Mr. Corey. Seconded by Mr. Hopper. **Voice Vote: Ayes. (9-0) Motion carries.**

2. Controller

None.

D. Mayor

None.

VIII. Adjournment

With no further business, the meeting adjourned at 9:48 p.m. The next regular meeting of the Greenwood Common Council to be held on April 17, 2017, at 7:00 p.m.



Council President, Mike Campbell



Clerk, Jeannine Myers